IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 388 OF 2006.
IN
CRIMINAL WRIT PETITION NO. 2034 OF 2006.

Shri Harish D.Sharma. ... Applicant.
Versus.
State of Mahrashtra & anr. ... Respondents.

Mrs. S.A.Mudbidri for the Applicant.

Ms.S.V.Gajare, A.P.P. for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 13th October, 2006.

P.C.:

1. In the main writ petition challenging the order of externment, Rule has been issued. Liberty was granted to take out separate Application for interim relief. The submission of the learned Advocate for the Applicant is that the order of externment which relates to the Districts of Mumbai, Navi Mumbai, Thane and Raigad is excessive inasmuch as all the prejudicial activities of the Applicant are confined to the District of Mumbai. It is submitted that the Appellate Authority has also found the order to be excessive. However, instead of setting aside the order, the same has been confined to three Districts. It is contended that if the order is clearly excessive, it cannot be modified and will have to be set aside. It is also submitted that the order shows non-application of mind as Navi Mumbai is not a separate revenue district and it is a part of District Thane. Reliance is placed on the decision in the case of Ganpat @ Ganesh Tanaji Katare

v/s. Assistant Commissioner of Police and others (2005 ALL M.R. (Cri.) page 2717). Prima facie, there appears to be substances in the submission made by the learned Advocate for the Applicant. It is submitted that the Applicant has a family in Mumbai, and the family completely depends on him. The main writ petition is already made returnable on 7th November 2006. Considering facts and circumstances of the case, limited interim relief deserves to be granted.

2. Hence the Application is disposed of by the following order:

i) The Applicant is permitted to enter the City of Mumbai (except area falling within the jurisdiction of RCF Police Station) for the period between 20th October 2006 to 30th October 2006 (both days inclusive) subject to condition that on every day the Applicant will mark attendance with the Chembur Police Station, Mumbai.

ii) Parties to act on an authenticated copy of this order.

Judge.